

STATE OF NORTH CAROLINA
COUNTY OF DURHAM

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

20 CVS

20CVS3480

IRIS BOTROS ANDROS,

2020 NOV 16 P 12:03

Plaintiff,

DURHAM CO., C.S.C.

COMPLAINT

BY (JURY TRIAL REQUESTED)

V.

FAMILY DOLLAR STORES OF
NORTH CAROLINA, INC.,

Defendant.

Plaintiff Iris Botros Andros (“Andros”), complaining of Defendant Family Dollar Stores of North Carolina, Inc. (“Family Dollar Stores”), alleges as follows:

I.

PARTIES

1. Andros is a United States citizen and resident of Durham County, North Carolina, who was born in Egypt. Andros has lived in the United States since 1994 and became a naturalized United States citizen in August 2017.

2. Family Dollar Stores is a corporation organized under the laws of North Carolina and authorized to do business and doing business in the State of North Carolina operating a retail store chain throughout North Carolina. At all times relevant to this complaint, Family Dollar Stores employed in excess of 300 employees for each working day in each of the twenty or more calendar weeks in the current or preceding calendar year.

II.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

3. Andros filed a timely Charge of Discrimination with the United States Equal Employment Opportunity Commission (“EEOC”) against Family Dollar Stores, designated as EEOC Charge No. 433-2020-00774, alleging violation of federal law as set forth in this Complaint.

4. On or about August 20, 2020, the EEOC issued a “Right to Sue” letter giving Andros the right to file this lawsuit against Carolina Meadows “under federal law based on this charge in federal or state court.”

5. Andros has exhausted all of her administrative remedies under Title VII of the Civil Rights Act of 1964.

III.

JURISDICTION AND VENUE

6. This is an action for invidious discrimination in employment based on national origin (Egyptian) and race (Arab) soon after the District Manager who supervised and praised Andros was replaced by a new District Manager. Jurisdiction is based on 42 U.S.C. 20003 *et seq.* (Title VII of the Civil Rights Act of 1964), as amended by 42 U.S.C. §§ 1981, 1981a, (Civil Rights Act of 1991), and N.C. G.S. 143-422.1 *et seq.* (Equal Employment Practices Act). This Complaint is filed within 90 days after the Equal Employment Opportunity Commission on August 20, 2020 issued its Right to Sue letter.

7. This is also an action for violation of the North Carolina Equal Employment Practices Act, N.C. G.S. § 143-422.1 *et seq.*, which makes discrimination on account of national origin or

race an unlawful employment practice in North Carolina and of N.C. G.S. §§ 95-25.12 *et seq.*, the North Carolina Wage and Hour Act.

8. Venue is proper in Durham County Superior Court because that is the county in which Andros resides and the county in which the Family Dollar Stores store where Andros was employed is located.

IV.

FACTUAL BACKGROUND

9. Andros is an Arab whose country of national origin is Egypt. Andros has a Middle Eastern appearance and accent.

10. Andros began to work at Family Dollar Stores on July 3, 2018 as a Store Manager. After completing her training, Andros began working on August 5, 2018 as the Store Manager at Family Dollar Stores Store No. 7787 located at 3825 S. Roxboro Street in Durham, N.C. At that time her District Manager was Robert Stephens ("Stephens").

11. That store was one of 19 in the same Family Dollar Stores District. Andros was the only foreign born store manager in the District during all relevant times. On information and belief, Andros was also the only Egyptian, Middle Eastern, or Arabic employee in that Family Dollar Stores District during all relevant times.

12. Andros performed her work as a Store Manager in an excellent manner. On February 21, 2019, Stephens gave Andros a First Place award for Most Approved Comp Sales.

13. Andros accomplished that success for Family Dollar Stores though Family Dollar Stores left her store understaffed and she was overworked. Andros was required to keep the store open seven days a week from 8:00 A.M. to 10:00 P.M. That required the store to be staffed every

day from 7:00 A.M. to 11:00 P.M., or a total of 142 hours each week. Andros worked in the store six or seven days a week from 7:00 A.M. until 6:00 P.M. Andros worked alone from 7:00 A.M. until either 3:00 or 4:00 P.M. when she had one or two other employees in the store. That left an insufficient number of allocated hours for the necessary other employees.

14. When Andros began working as the Store Manager Family Dollar Stores allocated her 190 hours of employee time each week but later reduced the allocated employee time to 175 hours per week. Andros complained to Family Dollar Stores that she needed more employee assistance but without success.

15. Andros was never the subject of any disciplinary action and was never given any written disciplinary warning.

16. In June of 2019 Stephens resigned as the District Manager and was replaced by Kenny Lanzo ("Lanzo").

17. Lanzo was introduced to the Store Managers at a meeting. After the meeting, Lanzo spoke with Andros. Lanzo asked where her accent was from. Andros told Lanzo that she was born in Egypt. Lanzo told Andros that she was a negative person for requesting an allocation of additional employee hours and told her she would not get them, even though she explained her need and that her allocation had been reduced from a higher number. That was the only discussion Lanzo had with Andros about the work at that time.

18. The next week, on June 14, 2019, Lanzo visited the store where Andros was the Store Manager. Lanzo showed her a photo of the store he had taken when he had visited on another day at a time when she not there. Lanzo pointed out an item on the floor in the men's bathroom that he described as "poop" and some shoes on the retail floor that customers had tried

on but that had not been replaced on their shelves. Lanzo asked Andros, "Are all your people as messy as this?" Lanzo did not say anything to Andros about the condition of the store on that day but told Andros that he would give her one week to get the store in better condition. He then had a telephone conversation, returned to Andros and told her that she was fired.

19. Family Dollar Stores does have a progressive disciplinary policy that it did not follow.

V.

FIRST CLAIM

WRONGFUL DISCHARGE IN VIOLATION OF N.C. G.S. § 143-422.1 *et seq.*

20. Andros realleges Paragraphs 1 through 19.

21. The termination of Andros from her position was in violation of the public policy of the State of North Carolina, specifically, the North Carolina Equal Employment Practices Act, N.C. G.S. § 143-422.1 *et seq.*, which makes discrimination on account of national origin or race an unlawful employment practice in North Carolina.

22. Andros is entitled to reinstatement to her position, back pay, interest on back pay, front pay, employment benefits including, but not limited to, vacation pay, sick pay, health insurance benefits, and damages for emotional distress.

23. Andros's losses are in excess of \$25,000.

24. Andros is also entitled to recover the costs and expenses of this action and such interest as allowed by law.

VI.

**SECOND CLAIM —
NATIONAL ORIGIN AND RACE DISCRIMINATION
IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964
AND THE CIVIL RIGHTS ACT OF 1991**

25. Andros realleges Paragraphs 1 through 24.

26. The actions of Family Dollar Stores as set forth herein constitute intentional discrimination against Andros by Family Dollar Stores because of her national origin (Egyptian) and race (Arab) in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, as amended by the Civil Rights Act of 1991, 42 U.S.C. § 1981(a)(1).

27. Family Dollar Stores engaged in discriminatory practices against Andros with either malice or reckless indifference to the federally protected rights of Andros to be free from national origin and race discrimination in the workplace, as set forth in Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, as amended by the Civil Rights Act of 1991, 42 U.S.C. § 1981.

28. Andros is entitled to all of her benefits of employment, including but not limited to, reinstatement, back pay, front pay, vacation pay, health insurance, and retirement benefits.

29. Andros is entitled to recover compensatory damages in an amount exceeding \$25,000 as a proximate result of the conduct of Family Dollar Stores alleged herein.

30. Andros is entitled to punitive damages in an amount exceeding \$25,000 as a proximate result of the conduct of Family Dollar Stores alleged herein.

VII.

**THIRD CLAIM -
WAGE AND HOUR ACT VIOLATION**

31. Andros realleges Paragraphs 1 through 30.

32. Andros was hired at a salary of \$1,100 per week but was paid only \$1,000 per week.

33. Andros also accumulated 52 or more hours of vacation pay for which she was not paid.

34. Family Dollar Stores unjustifiably failed and refused to pay Andros her full salary or her earned vacation pay, in violation of the North Carolina Wage and Hour Act, N.C G.S. §§ 95-25.12 *et seq.*

PRAYER FOR RELIEF

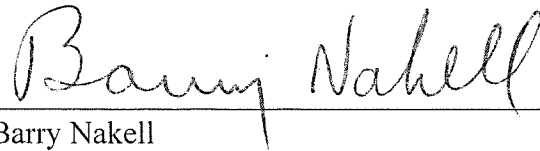
WHEREFORE, Andros prays unto the Court as follows:

1. That all issues of fact raised herein be tried by a jury.
2. That the Court order Family Dollar Stores to reinstate Andros with back pay and front pay.
3. That the Court award Andros economic damages in excess of \$25,000.
4. That the Court award Andros compensatory damages in excess of \$25,000.
5. That the Court award Andros punitive damages in excess of \$25,000.
6. That the Court award Andros liquidated damages in an amount equal to double the amount due her for her unpaid salary and accrued earned vacation pay.
7. That the Court award costs to Andros, including an award of reasonable attorney's fees.

Respectfully submitted,

LAW OFFICE OF BARRY NAKELL

By:

A handwritten signature in cursive script, reading "Barry Nakell", written over a horizontal line.

Barry Nakell

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